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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA
BUTTE DIVISION**

THE IMPERIAL SOVEREIGN COURT
OF THE STATE OF MONTANA; ADRIA
JAWORT; RACHEL CORCORAN; THE
MONTANA BOOK COMPANY; IMAGINE
BREWING COMPANY, LLC d/b/a
IMAGINE NATION BREWING
COMPANY; BUMBLEBEE AERIAL
FITNESS; MONTANA PRIDE; THE
WESTERN MONTANA COMMUNITY
CENTER; THE GREAT FALLS LGBTQ+
CENTER; THE ROXY THEATER; and
THE MYRNA LOY,

Plaintiffs,

vs.

AUSTIN KNUDSEN; ELSIE ARNTZEN;
J.P. GALLAGHER; and THE CITY OF
HELENA,

Defendants.

Cause No.
CV- 23-50-BU-BMM

**Stipulation Re Defendants'
Jury Demands**

This Court ordered the Parties to submit simultaneous briefing regarding jury demands made by the Defendants. The Parties have conferred and agree on all material issues regarding the Defendants' entitlement to a jury trial. Thus, in lieu of submitting separate briefing for the Court's consideration, the Parties hereby stipulate as follows:

1. With regard to Counts IV and V, Defendants Austin Knudsen and Elsie Arntzen are not entitled to a jury trial on the claims Plaintiffs assert against them in the First Amended Complaint (Doc. 3), but Defendants Knudsen and Arntzen reserve their right to renew their demand in the event the Complaint is amended to include legal, rather than equitable, claims against Defendants Knudsen and Arntzen; and
2. Defendant J.P. Gallagher is entitled to a jury trial on Counts I and II, and the jury must resolve Plaintiff Adria Jawort's claims against him brought under 42 U.S.C. § 1983 for money damages prior to any determination of the constitutionality of HB 359 as applied to Plaintiff Jawort specifically, as alleged in Counts I and II, and any factual determinations made by the jury as to these counts will be binding on the Court; and

3. With regard to Counts I and II, Plaintiff Jawort and Defendant Knudsen intend to identify those issues that are purely legal—and suitable for judicial resolution—by motion to the Court prior to any Court-imposed briefing deadline.

Respectfully submitted this 14th day of September, 2023.

/s/ Constance Van Kley

Constance Van Kley
Upper Seven Law
Attorney for Plaintiffs

/s/ Cynthia L. Walker

Cynthia L. Walker
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/s/ Michael Russell

Michael Russell
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